

DISTRICT ATTORNEYS

Budget Summary							
Fund	2000-01 Base Year Doubled	2001-03 Governor	2001-03 Jt. Finance	2001-03 Legislature	2001-03 Act 16	Act 16 Change Over Base Year Doubled	
						Amount	Percent
GPR	\$70,405,800	\$72,384,100	\$72,384,100	\$72,384,100	\$72,384,100	\$1,978,300	2.8%
PR	<u>2,798,600</u>	<u>2,713,900</u>	<u>4,166,200</u>	<u>4,374,900</u>	<u>3,239,900</u>	<u>441,300</u>	15.8
TOTAL	\$73,204,400	\$75,098,000	\$76,550,300	\$76,759,000	\$75,624,000	\$2,419,600	3.3%

FTE Position Summary						
Fund	2000-01 Base	2002-03 Governor	2002-03 Jt. Finance	2002-03 Legislature	2002-03 Act 16	Act 16 Change Over 2000-01 Base
GPR	375.65	375.65	375.65	375.65	375.65	0.00
PR	36.50	27.00	41.55	<u>43.75</u>	<u>29.00</u>	<u>- 7.50</u>
TOTAL	412.15	402.65	417.20	419.40	404.65	- 7.50

Budget Change Items

1. STANDARD BUDGET ADJUSTMENTS

Governor/Legislature: Provide \$1,036,400 GPR annually and -10.5 PR positions in 2002-03 for the following: (a) turnover reduction (-\$200,500 GPR annually); (b) removal of noncontinuing elements from the base (-10.5 PR positions in 2002-03); (c) full funding of continuing salaries and fringe benefits (\$1,100,800 GPR annually); (d) night and weekend differential (\$61,200 GPR annually); and (e) fifth week of vacation as cash (\$74,900 GPR annually). The 10.5 PR positions removed as non-continuing elements include: (a) 6.0 PR Milwaukee County assistant district attorney (ADA) positions funded by federal high-intensity drug trafficking area (HIDTA) grants that terminate in September, 2002; (b) 3.0 PR Dane County ADA positions funded by the federal Violence Against Women Act that terminate in January, 2003; (c) 1.0 PR Dane County ADA position funded by the Wisconsin Department of Transportation and the Federal National Highway Traffic Safety Administration that terminates in January, 2003; and (d) 0.5 PR Milwaukee County children in need of protection or services (CHIPS) ADA position that terminates in April, 2003.

Funding Positions		
GPR	\$2,072,800	0.00
PR	<u>0</u>	<u>- 10.50</u>
Total	\$2,072,800	- 10.50

2. **ELIMINATION OF SPECIAL PROSECUTION CLERKS FEE AND APPROPRIATION**
[LFB Paper 380]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
PR-REV	- \$395,200	\$395,200	\$0
PR	- \$349,400	\$349,400	\$0

Governor: Delete \$174,700 annually and the appropriation that supports clerical staff in the Milwaukee County District Attorney's office who provide clerical services to prosecutors handling violent crime and felony drug violations in Milwaukee County's speedy drug and violent crime courts. The appropriation currently reimburses Milwaukee County for the salary and fringe benefits of 4.5 clerks. In addition, eliminate the \$2 special prosecution clerks fee. These changes would first apply to cases filed on the effective date of the bill. Under current law, the special prosecution clerks fee is assessed, in Milwaukee County only, whenever a person pays a fee for civil, small claims, forfeiture (except for safety belt use violations), wage earner or garnishment actions, or for an appeal from municipal court, third party complaint in a civil action or for filing a counterclaim or cross complaint in a small claims action. The fee generates approximately \$197,600 annually in program revenue. The executive budget book indicates that the intent was to turn over responsibility for the \$2 special prosecution clerks fee to Milwaukee County. However, the bill deletes the fee. As provided for in current law, upon the deletion of the appropriation, the appropriation's unencumbered balance, estimated at \$150,800, would lapse to the general fund.

Joint Finance/Legislature: Delete provision.

3. **DNA EVIDENCE PROSECUTOR**

	Funding Positions	
PR	\$238,500	1.00

Governor/Legislature: Provide \$116,400 in 2001-02 and \$122,100 in 2002-03 and 1.0 assistant district attorney position annually in Milwaukee County to serve as a statewide authority and resource on the use of DNA evidence in the courtroom. Create a new deoxyribonucleic acid (DNA) evidence activities program revenue appropriation for DNA evidence activities. Program revenue would be provided from a portion of the existing \$5 crime lab and drug law enforcement assessment and the \$250 DNA surcharge imposed in certain criminal and forfeiture actions.

[Act 16 Sections: 770 and 783]

4. OPERATION CEASEFIRE

GPR	- \$94,500
-----	------------

Governor/Legislature: Delete \$48,400 in 2001-02 and \$46,100 in 2002-03 from the firearm prosecution costs; firearm law media campaign appropriation and make the following statutory changes: (a) delete \$60,000 annually and eliminate statutory authorization for a state-funded media campaign deterring the unlawful possession and use of firearms in the City of Milwaukee; (b) delete statutory authority for the cost of Milwaukee County DA's office computers to be funded from the appropriation; and (c) provide \$11,600 in 2001-02 and \$13,900 in 2002-03 to fully fund the costs of two clerk positions in the Milwaukee County DA's office that provide clerical services involving the prosecution of unlawful possession or use of firearms. Rename the appropriation the "firearm prosecution costs appropriation." In 1999 Act 9, an initiative was created in Milwaukee County, known as "Operation Ceasefire," to prosecute in federal court persons who illegally possess or illegally use weapons. Under the bill, the firearm prosecution costs appropriation would only reimburse Milwaukee County for the costs of the two clerks. Six ADA positions created in 1999 Act 9 for Operation Ceasefire continue as permanent positions, funded under the salaries and fringe benefits appropriation.

[Act 16 Sections: 781, 2004 and 4032m]

5. CONTINUED FUNDING FOR ANTI-DRUG PROSECUTORS IN DANE AND MILWAUKEE COUNTIES

PR	\$26,200
----	----------

Governor/Legislature: Provide \$2,800 in 2001-02 and \$23,400 in 2002-03 in federal Byrne anti-drug enforcement program grant money and matching penalty assessment funds in order to continue to fund four ADA positions in Dane and Milwaukee Counties which prosecute drug-related crimes. Direct the Office of Justice Assistance (OJA) to provide the Dane County Multijurisdictional Enforcement Group (MEG) a total of \$84,000 in 2001-02 and \$91,000 in 2002-03 to fund one ADA position, and the Milwaukee County MEG a total of \$277,900 in 2001-02 and \$291,400 in 2002-03 to fund three ADA positions. These four positions are funded through grants awarded to Milwaukee and Dane Counties by DOA's Office of Justice Assistance. The Byrne grant program is a federal program established under the Anti-Drug Abuse Act of 1988. Under current law, penalty assessment revenues are used to match the federal Byrne funds that are distributed to state agencies and local units of government.

[Act 16 Sections: 9101(2)&(3)]

6. VEHICLE FINES AND FORFEITURES AND ADDITIONAL PROSECUTORS [LFB Paper 381]

	Jt. Finance (Chg. to Base)		Legislature (Chg. to JFC)		Veto (Chg. to Leg)		Net Change	
	Funding	Positions	Funding	Positions	Funding	Positions	Funding	Positions
PR-REV	\$1,284,000		\$0		- \$1,284,000		\$0	
PR	\$1,102,900	14.55	\$32,100	0.20	- \$1,135,000	- 14.75	\$0	0.00

Joint Finance: Provide \$368,100 in 2001-02 and \$734,800 in 2002-03 and 14.55 assistant district attorney positions beginning January 1, 2002, as follows: Brown (2.0), Chippewa (0.75), Columbia (1.0), Dane (1.85), Jefferson (0.5), Kenosha (1.0), Juneau (0.5), La Crosse (0.7), Manitowoc (1.0), Marathon (1.0), Outagamie (2.0), Rock (0.5), Sauk (0.5), and Winnebago (1.25).

Program revenue funding for the positions would be generated from vehicle-related fines and forfeitures as follows. Provide that counties would: (a) retain 50% as fees for receiving and paying into the state treasury money received by the county for the state for state forfeitures, fines and penalties under Chapters 341 to 347, 349, and 351, unless, during the relevant state fiscal year the county has already retained an amount equal to the fee amount retained by the county for such state forfeitures, fines and penalties in state fiscal year 2000-01; and (b) forward to the state treasurer all money received by the county for the state for state forfeitures, fines and penalties under Chapters 341 to 347, 349, and 351 if, during the relevant state fiscal year, the county has already retained a fee amount under these chapters equal to the amount the county retained as fees for receiving and paying into the state treasury such state forfeitures, fines and penalties in state fiscal year 2000-01. In order to preserve the common school fund's current share of 50% of these state forfeitures, fines and penalties, provide that when a county stops retaining a share of these state forfeitures, fines and penalties because it has reached the amount it retained of such state forfeitures, fines and penalties in 2000-01, the state treasurer would be required to distribute 50% of these monies to the common school fund and 50% of these monies to a newly-created fees from vehicle-related offenses appropriation under the District Attorneys, with estimated program revenues of \$421,000 in 2001-02 and \$863,000 in 2002-03.

Senate: Provide an additional 0.2 district attorney position to Pepin County, effective January 1, 2002, reduce assistant district attorney positions for Juneau and Rock counties by 0.25 each and provide 0.5 assistant district attorney position to Ashland County.

Assembly: Transfer 0.25 assistant district attorney position from Rock County to Ashland County.

Conference Committee/Legislature: Provide an additional \$10,700 in 2001-02 and \$21,400 in 2002-03 and 0.2 district attorney position to Pepin County, effective January 1, 2002, and transfer 0.25 assistant district attorney position from Rock County to Ashland County.

Veto by Governor [D-15]: Delete provision.

[Act 16 Vetoes Sections: 395 (as it relates to s. 20.475(1)(g)), 781m, 1996f thru 1996j and 9113(1q)]

7. RESTORATIVE JUSTICE ASSISTANT DISTRICT ATTORNEYS

	Funding	Positions
PR	\$176,600	2.00

Assembly: Provide \$113,400 in 2001-02 and \$151,500 in 2002-03 and 3.0 project assistant district attorney (ADA) positions annually, to Milwaukee and Dane Counties and one other county to perform restorative justice services, funded with federal Byrne anti-drug enforcement program grant money and matching penalty assessment funds.

Provide that the district attorneys (DAs) of Dane and Milwaukee Counties as well as one other county must assign one ADA in his or her prosecutorial unit to be a restorative justice coordinator. Direct the Attorney General, in consultation with the Department of Corrections (DOC), to select the third county that would receive a restorative justice coordinator under this provision. Require an ADA assigned to be a restorative justice coordinator to do all of the following: (a) establish restorative justice programs that provide support to the victim, help reintegrate the victim into community life, and provide a forum where an offender may meet with the victim or engage in other activities to discuss the impact of the offender's crime on the victim or on the community, explore potential restorative responses by the offender and provide methods for reintegrating the offender into community life; (b) provide assistance to district attorneys in other counties relating to the establishment of restorative justice programs; and (c) maintain a record of the amount of time spent implementing restorative justice programs and assisting other DAs in implementing restorative justice programs, the number of victims and offenders served, the types of offenses addressed and the rate of recidivism among offenders served by the DA's restorative justice programs compared to the rate of recidivism by offenders not served, by such programs. Provide that the Milwaukee and Dane County DAs as well as the unspecified DA must each submit an annual report to the Department of Administration (DOA), on a date specified by DOA, summarizing the records required to be maintained by the restorative justice coordinator. Provide that DOA must maintain this information submitted by the relevant DAs.

Require that by October 1, 2004, the Legislative Audit Bureau evaluate, on a quantitative and qualitative basis, the success of restorative justice programming in the three counties in serving victims, offenders and communities affected by crime and must report its findings to the appropriate standing committees of the Legislature, as determined by the Speaker of the Assembly and the President of the Senate.

Provide that the 3.0 project ADA restorative justice positions would terminate on June 30, 2005, and that the associated provisions would not apply after June 30, 2005.

Conference Committee/Legislature: Modify the Assembly provision as follows: (a) provide \$75,600 in 2001-02 and \$101,000 in 2002-03 and 2.0 project assistant district attorney (ADA) positions annually, rather than 3.0 ADA positions; and (b) specify that the positions be assigned to Milwaukee County and one other county, rather than Milwaukee County, Dane County and one other county, to perform restorative justice services.

Veto by Governor [D-16]: Delete the provision that the Attorney General, in consultation with DOC, select the second county to provide restorative justice services. Under the Act, therefore, DOC will solely make this determination.

[Act 16 Sections: 4031j thru 4031r, 9113(2m) and 9132(4m)]

[Act 16 Vetoed Section: 4031p]